IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF JULY

TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 2214 of 2005**

Between:

1 Kota Narsimha Reddy S/o Raji Reddy
R/o Piglipuram Village, Hayathangar Mandal, Ranga Reddy District
2 Kota Narsimha reddy S/o Ranga Reddy
R/o Piglipuram Village, Hayathangar Mandal, Ranga Reddy District
3 Kolanu Achi Reddy S/o Malla Reddy 72
R/o Piglipuram Village, Hayathangar Mandal, Ranga Reddy District

**.. PETITIONERS**

AND

1 The Joint Collector, Ranga Reddy District, Lakdikapool, Hyderabad
2 The Revenue Divisional Officer (East Division), Ghoshamahal, Hyderabad
3 The Mandal Revenue Officer, Hayathnagar Mandal, Hayathnagar, Ranga Reddy District
4 Jangam Janga Reddy S/o Chilka Reddy
R/o Pilipuram Village, Hayathnagar Mandal, Ranga Reddy District

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders more particularly in the nature of Writ of Certiorari by calling for the records relating to proceedings No. D5/6329/2000 of the Respondent No.1 and declare the same as illegal, arbitrary and against to the principles of natural justice and consequently quash the impugned order vide proceedings No. D5/6329/2000 dated 17-07-2004.

**Counsel for the Petitioner:MR.K.VENKATA REDDY,**

**Counsel for the Respondents.1 to 3: GP FOR REVENUE**

**Counsel for the Respondent No.4: not appeared**

**The Court made the following :**

-

**ORDER:**

1. When W.P.M.P.No.4384 of 2005 has come up for hearing, after going through the entire material placed on record, I deem it appropriate to dispose of the main writ petition itself and accordingly the writ petition is taken up for hearing and is being disposed of by this order.

2. The writ petitioners are the agreement holders having purchased the property from Jangam Janga Reddy-4th respondent. The petitioners approached the Mandal Revenue Officer for issuance of the pattedar pass-book under the R.O.R. Act. The Mandal Revenue Officer ordered for issuance of the pattedar pass-books. The orders passed by the Mandal Revenue Officer came to be questioned before the Revenue Divisional Officer by the 4th respondent herein. The Revenue Divisional Officer by order dated 4-4-1997 directed both the parties to approach the Civil Court to settle the dispute. I deem it appropriate to refer the relevant portion of the order of the Revenue Divisional Officer and it is thus;

> *"Heard the arguments of both the counsel. Perused the connected records. It is admitted that there are as many as four agreements of Sales executed by the appellants in the year 1964, 1965, 1972 and 1974. The sy.No.51 is having large extent. There is a dispute regarding the extent in physical possession of the Respondents by virtue of the Agreement of Sale. As per the provision of R.O.R. the Agreements of sales cannot be validated under Form-X. Therefore, I find some force in the pleading of the Appellant. Hence, this is a fit case to be decided by the Civil Court. Therefore, both the parties are advised to settle the dispute in the Civil Court."*

3. The writ petitioners did not choose to challenge the order of the Revenue Divisional Officer. Whereas 4th respondent herein challenged the order of Revenue Divisional Officer by filing a revision before the Joint Collector. The Joint Collector disposed of the revision directing the writ petitioners herein to get their civil rights adjudicated through proper proceedings before the Civil Court. I deem it appropriate to refer the relevant portion of the order passed by the Joint Collector and it is thus:

> *" In view of the above facts and circumstances of the case, I am not satisfied as to regularity, correctness, legality and propriety of the orders of the Mandal Revenue Officer, Hayathnagar therefore set-aside his order dated 28-5-1994 in Case No. ROR/2566/89 and also cancel the Pattadar Pass Book and Title Deed issued in favour of the respondent in respect of the lands in question. The order of the Revenue Divisional Officer, R.R. East Division No. A2/3379/94. Dated 04-04-1997 is modified to the extent above. The respondents are advised to get their civil rights adjudicated through appropriate proceedings before the Civil Court. Accordingly the revision is allowed"*

*4 .* Assailing the order of the Joint Collector, the writ petitioners approached this Court by invoking jurisdiction under Article 226 of the Constitution of India.

5. The learned counsel for the petitioners submits that the petitioners are in possession of the property and the Revenue officials are making efforts to make changes in the revenue records by taking shelter under the order passed by the Joint Collector and therefore the action of Revenue officials is not legal and proper and thus a writ of mandamus is required to be issued against them as to prevent them from tampering the revenue records.

6. It is no more in dispute that validation of agreement of sale is outside the scope of the R.O.R. Act. Precisely, that being the reason, the Revenue Divisional Officer directed the parties to establish their rights in the Civil Court. Both the Revenue Divisional Officer and the Joint Collector in the circumstances of the case are justified in directing the writ petitioners to establish their right in the Civil Court. Since it is the writ petitioners who had approached the Mandal Revenue Officer for grant of pattedar pass-books by invoking the provisions of the R.O.R.Act and the order passed by the Joint Collector in directing them to establish their rights in the Civil Court does not suffer from any infirmity.

6. Accordingly, I find that the writ petition is devoid of merit and the same is hereby dismissed. No order as to costs.

---

B.Seshasayana Reddy,J

12th July, 2005

KM

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Ranga Reddy District, Lakdikapool, Hyderabad
2 The Revenue Divisional Officer (East Division), Ghoshamahal, Hyderabad
3 The Mandal Revenue Officer, Hayathnagar Mandal, Hayathnagar, Ranga Reddy District
4. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

-

-

-

-

-

-

**WRIT PETITION NO : 2214 of 2005**

-

-

-

-

-

-

-

-

-

-

**12th July, 2005.**